

Supporting Statement
Imported Seed and Screenings
OMB Control No. 0579-0124

TERMS OF CLEARANCE: “Before this ICR is renewed, APHIS should explore converting PPQ Forms 925, 523, and 519 to common forms. If this is not done before the renewal, an explanation should be provided as to what challenge(s) APHIS has for the conversion.” APHIS began work on planning an information collection request focused on the Agency’s forms used in multiple ICR’s. However, ROCIS does not permit intra-agency common forms. The lack of precedent, plus staff shortages and heavy workloads, have delayed the project. APHIS anticipates lighter workloads in 2024 and increased opportunity to resume the project.

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

The United States Department of Agriculture (USDA) is responsible for preventing plant diseases or insect pests, and noxious weeds from entering the United States, preventing the spread of pests not widely distributed in the United States, and eradicating those imported pests when eradication is feasible.

Under the Plant Protection Act (7 U.S.C. 7701 – et seq), the Secretary of Agriculture is authorized to prohibit or restrict the importation, entry, or movement of plants and plant pests to prevent the introduction of plant pests into the United States or their dissemination within the United States.

The regulations in 7 CFR Part 361 prohibit or restrict the importation of any agricultural seed, vegetable seed, or screenings into the United States. The regulations contained in “Subpart-Importation of Seed and Screenings under the Federal Seed Act” (361.1 through 361.10, referred to as the regulations) prohibit or restrict any agricultural seed, vegetable seed, or screenings imported into the United States not in compliance with this part shall be subject to exportation, destruction, disposal, or any remedial measures that the Administrator determines are necessary to prevent the dissemination into the United States of noxious weeds.

Plant Protection and Quarantine, a program within USDA’s Animal and Plant Health Inspection Service (APHIS), has established a seed analysis program with Canada that allows United States companies that import seed for cleaning or processing to enter into compliance agreements with USDA. This program eliminates the need for sampling shipments of Canadian-origin seed at the border and allows certain seed importers to clean seed without the direct supervision of an APHIS inspector. In this way, the importation of seeds into the U.S. is safely expedited without compromising the precautions APHIS takes to ensure that imported seeds do not pose a pest threat to U.S. agriculture. APHIS’ seed analysis program entails the use of several information collection activities.

APHIS is asking OMB to approve, for another three years, its use of these information collection activities to safely import foreign seeds into the United States.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

APHIS uses the following information activities to enable the importation of seeds from Canada.

Declaration for Importation; (7 CFR 361.3(a), 361.4(a)(4)); (Business)

All seeds offered for entry into the U.S. must be accompanied by a declaration from the importer. In this declaration the importer must state the kind, variety, and origin of the seeds, and the use for which the seeds are being imported. If the seeds are found to be adulterated with the seeds of a noxious weed, the shipment may still be allowed to enter the U.S. for feeding or manufacturing purposes, but only if the importer withdraws his or her original declaration and files a new one stating that the seeds are being imported for feeding or manufacturing purposes, and that none of the seeds will be used for planting.

Labeling of Containers; (7 CFR 361.3(b)); (Business); Third Party Disclosure

Containers of seeds that will be used for planting in the U.S. must be labeled to indicate the identification code of the lot to which the container belongs, the name of the kind and variety of the seeds, the designation "hybrid" if the seeds are hybrid seeds, and the name of the substance or process used to treat the seeds (if the seeds were treated). The importer or the importer's representatives are responsible for ensuring that containers are labeled according to our requirements. If the labeling is found to be false or misleading, the seed shipment may still be allowed to enter the U.S. if the importer corrects the labeling, under the supervision of an APHIS inspector, to accurately reflect the nature of the seeds.

Inspection at the Port of First Arrival; (7 CFR 361.4(a)); (Business)

All agricultural seed, vegetable seed, and screenings imported into the United States shall be made available for examination by an APHIS inspector at the port of first arrival and shall remain at the port until released by an APHIS inspector. The importer is responsible for notifying the inspector of the availability of the shipment for inspection.

Export Documentation (7 CFR 361.4(a)(5)(i), (ii), (iii)); (Business)

Seeds being offered for entry into the U.S. are subject to inspection at the port of the first arrival. However, seeds need not undergo our sampling procedures if they have been grown in the U.S., exported, and are now returning to the U.S. with certain documentation. This documentation, which is supplied by the importer, must include export documents indicating the quantity of seeds and number of containers, the date of exportation from the U.S., the distinguishing marks on the containers at the time of exportation, and the name and address of the U.S. exporter; a document issued by a Customs or other government official of the country to which the seed was exported indicating that the seed was not admitted into the commerce of that country; and a document issued by a Customs or other government official of the country to which the seeds

were exported indicating that the seeds were not commingled with other seeds after being exported to that country.

Adulterated Sample of Seeds Rejected for Entry; (7 CFR 361.4 (b)(1)); (Business)

Samples of seed will be taken from each lot of seed in accordance with §361.5 to determine whether any seeds of noxious weeds listed in §361.6(a) are present. If seeds of noxious weeds are present at a level higher than the tolerances set forth in §361.6(b), the lot of seed will be deemed to be adulterated and will be rejected for entry into the United States for seeding (planting) purposes. Once deemed adulterated, the lot of seed must be exported from the United States, destroyed under the monitoring of an APHIS inspector, or cleaned under APHIS monitoring at a seed-cleaning facility that is operated in accordance with §361.8(a).

If the lot of seed is adulterated with the seeds of a noxious weed listed in §361.6(a)(2), the seed may be allowed entry into the United States for feeding or manufacturing purposes provided the importer withdraws the original declaration and files a new declaration stating that the seed is being imported for feeding or manufacturing purposes and that no part of the seed will be used for seeding (planting) purposes.

False Labeling of Seed Rejected; Export or Re-Labeling; (7 CFR 361.4(b)(3)); (Business)

If the labeling of a lot of seed is false or misleading in any respect, the seed will be rejected for entry into the United States. A falsely labeled lot of seed must be exported from the United States, destroyed under the monitoring of an APHIS inspector

The seed may be allowed entry into the United States if the labeling is corrected under the monitoring of an APHIS inspector to accurately reflect the character of the lot of seed.

Request for Return of Seeds; (7 CFR 361.5(a)). (Foreign Government)

Samples of seeds will be taken from each lot of seed being imported for planting purposes to determine whether any noxious weed seeds are present. At the importer's request, APHIS will return any unused samples of rare or expensive seeds. This request need not be in writing; a telephone call to us will be sufficient.

Customs Single Entry Bond/Customs Term Bond; (7 CFR 361.5(d)(1)); (Business)

In most cases, samples will be drawn and examined by an APHIS inspector at the port of first arrival. The APHIS inspector may release a shipment if no contaminants are found and the labeling is sufficient. If contaminants are found or the labeling of the seed is insufficient, the APHIS inspector may forward the sample to the USDA Seed Examination Facility (SEF), Beltsville, MD, for analysis, testing, or examination. APHIS will notify the owner or consignee of the seed that samples have been drawn and forwarded to the SEF and that the shipment must be held intact pending a decision by APHIS as to whether the seed is within the noxious weed seed tolerances of §361.6 and is accurately labeled. If the decision pending is with regard to the noxious weed seed content of the seed and the seed has been determined to be accurately labeled, the seed may be released for delivery to the owner or consignee if the owner or consignee executes with Customs either a Customs single-entry bond or a Customs term bond, as appropriate, in such amount as is prescribed by applicable Customs regulations;

Notify APHIS of Location of Seed; (7 CFR 361.5(d)(4)); (Business)

If an APHIS inspector finds evidence of contaminants upon examining a sampling of seeds at the port of the first arrival, the inspector may forward the sample to USDA's Seed Examination Facility in Beltsville, Maryland for further examination, testing, and analysis.

While this analysis is occurring, the shipment of seeds may be released to the owner or consignee, provided the owner or consignee does not enter the shipment into the commerce of the U.S., and provided the owner or consignee keeps APHIS informed as to the location of the seed shipment until its analysis is completed.

This can be accomplished via telephone or any other means of communication convenient to the owner or consignee.

Private Seed Laboratory and Seed Analyst Accreditation; (7 CFR 361.7(a)); (Foreign Government, Business)

A private seed laboratory may be used for seed analysis but must be accredited by the Canadian Food Inspection Agency. The seed analyst who examines the seed at the Canadian laboratory must be accredited to analyze the kind of seed covered by the certificate.

Seed Analysis Certificate for Canadian-Grown Seed Shipments (PPQ Form 925); (7 CFR 361.7(a)); (Foreign Government, Business)

Seeds imported from Canada into the U.S. for planting must be accompanied by a Certificate of Analysis (PPQ Form 925), stating that the seeds were analyzed and found to present no noxious weed threat to the U.S. Seed shipments accompanied by these certificates are not subject to APHIS sampling requirements.

Seed Cleaning Monitoring; (7 CFR 361.8(a)); (Business)

Imported seed that is found to contain noxious weed seeds at a level higher than the tolerances set forth in §361.6(b) may be cleaned under the request for and monitoring of an APHIS inspector. The cleaning will be at the expense of the owner or consignee.

Registered Seed Technologist Analysis; (7 CFR 361.8(a)(1)); (Business)

Upon completion of the cleaning, a representative sample of the seed will be analyzed by a registered seed technologist, an official seed laboratory, or by APHIS.

Seed Cleaning Refuse Seed Container Labeling; (7 CFR 361.8(a)(1)); (Business)

The refuse from the cleaning must be placed in containers and securely sealed and identified. If the seed is found to be within the noxious weed tolerances set forth in §361.6(b), the seed may be allowed entry into the United States.

Refuse Cleaning Monitoring; (7 CFR 361.8(a)(2)); (Business)

The refuse from the cleaning must be destroyed under the request for and monitoring of an APHIS inspector at the expense of the owner or consignee of the seed.

Compliance Agreement (PPQ Form 519); (7 CFR 361.8(a)(3), 361.8(c)); (Business)

This agreement is required for the movement of regulated seeds from Canada. Compliance agreements are only issued when APHIS or State personnel need to closely monitor operations at the facility to ensure permit conditions are being met. By signing a compliance agreement with APHIS, the applicant agrees to comply with the prescribed regulations and stipulations when moving or treating regulated items.

Written Appeal for Cancellation of Compliance Agreement and Request for a Hearing: (7 CFR 361.8 (c)); (Business)

Any compliance agreement may be canceled orally or in writing by the APHIS inspector who is monitoring its enforcement whenever the inspector finds that the person who entered into the compliance agreement has failed to comply with the provisions of this part or any conditions imposed pursuant thereto. If the cancellation is oral, the decision and the reasons for the decision shall be confirmed in writing, as promptly as circumstances permit. Any person whose compliance agreement has been canceled may appeal the decision to the Administrator, in writing, within 10 days after receiving written notification of the cancellation. The appeal shall state all of the facts

If the seeds are being imported for cleaning purposes, the certificate must state which kinds of noxious weed seeds are to be removed from the seed shipment during cleaning. The seed analysis certificate must be issued by laboratory personnel employed by Agriculture and Agri-Food Canada, or by private sector laboratory personnel who have been accredited by Agriculture and Agri-Food Canada to perform such work.

Identity of Seed Maintained; (7 CFR 361.8 (a)(1)); (Business)

Canadian seeds that are found to contain noxious weed seeds may still be imported into the United States if they are cleaned and the undesirable seeds are removed. However, to prevent a contaminated seed shipment from inadvertently entering the United States prior to appropriate cleaning, it is important that the identity of the seeds be maintained while they are at the cleaning location.

Also, the refuse from the cleaning must be placed in containers, securely sealed, and identified. Personnel at the seed cleaning facility are responsible for carrying out these seed identification activities.

Recordkeeping; (7 CFR 361.9(a)); (Business)

Each person who imports seeds into the United States must maintain a complete record of the importation for 3 years. This record must include copies of the appropriate declaration and labeling documents, as well as a sample of seeds from each lot of seeds imported.

Emergency Action Notification (PPQ 523); (7 CFR 361.2(c)); (Business)

If a single live plant pest or disease in any stage of development is found, the consignment will be held until an investigation is completed and appropriate remedial actions have been implemented. Inspectors will complete the PPQ Form 523 when there is an interception of a pest and will fax it to the owner/importer for signature and quarantine action.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

PPQ Form 519 and PPQ Form 925 may be downloaded from the APHIS forms website at https://www.aphis.usda.gov/aphis/resources/forms/ct_ppq_forms.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose described in item 2 above.

The information APHIS collects is exclusive to its mission of protecting the United States from the incursion and spread of noxious weeds and is not available from any other source.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

APHIS estimates 90% of the respondents are small entities. The information APHIS collects is the minimum needed to protect U.S. agriculture from noxious weed incursions. Recordkeeping with regard to imported seed is necessary to allow APHIS to trace the origin of seeds or screenings, if necessary, and to monitor the efficacy of noxious weed examinations and cleaning. APHIS believes these requirements are not excessive as these companies already keep such records for internal purposes and to comply with the interstate provisions of FSA regulations administered by the Agricultural Marketing Service.

6. Describe the consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

APHIS' information collection activity is critical to its mission of preventing noxious weeds from entering the United States. Noxious weeds that successfully establish themselves in the United States are capable of causing tremendous economic damage to U.S. agriculture.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the general information collection guidelines in 5 CFR 1320.5.

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**

Any person whose compliance agreement has been cancelled may appeal the decision to the Administrator, in writing, within 10 days after receiving written notification of the cancellation.

- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no other special circumstances that would require this collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.5.

8. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting form, and on the data elements to be recorded, disclosed, or reported. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, soliciting comments on the information collection prior to submission to OMB.

APHIS engaged in productive consultations with the following individuals in connection with the information collection requirements. The respondents stated via email or phone that everything was reasonable to them in terms of handling and movement of imported seed to their seed plants. They had no concerns with any of the information collected on the forms and made no suggestions for improvements.

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On Tuesday, April 11, 2023, APHIS published in the Federal Register (88 FR 21603) a 60-day notice seeking public comments on its plans to request a 3-year renewal of this collection of information. No comments were received from the public.

9. Explain any decision to provide any payment or gift to respondents, other than reenumeration of contractors or grantees.

This information collection activity involves no payments or gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

No additional assurance of confidentiality is provided with this information collection. Any and all information obtained in this collection shall not be disclosed except in accordance with 5 U.S.C.552a.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and others that are considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

This information collection activity asks no questions of a personal or sensitive nature.

12. Provide estimates of the hour burden of the collection of information. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated.

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**

See APHIS Form 71 for hour burden estimates.

- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.**

The total annualized cost to respondents is estimated to be \$557,155. This was computed by multiplying the estimated average hourly wage (\$39.92) by the total number of burden hours (9,632) needed to complete the work, and then multiplying the result by 1.449 to capture benefit costs.

The average hourly rates used to calculate the estimate are \$59.07 for managers (SOCC 11-1021); \$36.96 for sales representatives (SOCC 41-4012); \$40.29 for farmers (SOCC 11-9013); and \$23.37 for agricultural technicians (SOCC 19-4010). This information was obtained from the U.S. DOL Bureau of Labor Statistics occupational employment statistics website at http://www.bls.gov/current/oes_stru.htm.

According to DOL BLS news release USDL-23-0488, employee benefits account for 31 percent of employee costs, and wages account for the remaining 69 percent. Total costs can be calculated as a function of wages using a multiplier of 1.449.

13. Provide estimates of the total annual cost burden to respondents or recordkeepers resulting from the collection of information, (do not include the cost of any hour burden shown in items 12 and 14). The cost estimates should be split into two components: (a) a total capital and start-up cost component annualized over its expected useful life; and (b) a total operation and maintenance and purchase of services component.

There is no annual cost burden associated with capital and start-up costs, maintenance costs, and purchase of services in connection with this program.

14. Provide estimates of annualized cost to the Federal government. Provide a description of the method used to estimate cost and any other expense that would not have been incurred without this collection of information.

See APHIS Form 79. The estimated cost for the Federal Government is \$94,747.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-1.

	Requested	Program Change Due to New Statute	Program Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate	Change Due to Potential Violation of the PRA	Previously Approved
Annual Number of Responses	27,041	0	0	0	0	27,041
Annual Time Burden (Hr)	9,632	0	0	0	0	9,632

This request for renewal is without change from the previous submission.

16. For collections of information whose results are planned to be published, outline plans for tabulation and publication.

APHIS has no plans to tabulate or publish this data.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

APHIS will display the information collection approval expiration date on the PPQ Form 925.

The PPQ Form 519 and PPQ Form 523 are used in several information collections with various approval expiration dates. APHIS requests approval to exempt these forms from displaying the expiration date as doing so would be impractical.

APHIS is developing a plan for consolidating its “agency common forms” into a single information collection request. However, there is no mechanism in ROCIS for managing intra-agency common forms and there is no precedent for this type of project. Further, the Agency PRA workload exceeds current staff levels delaying this project but it anticipates a workload reduction in 2024. Once the plan is approved and implemented, the PPQ 519 and PPQ 523 will be integrated into the new ICR in future renewals.

18. Explain each exception to the certification statement identified in the "Certification for Paperwork Reduction Act."

APHIS is able to certify compliance with all the provisions in the Act.

B. Collections of Information Employing Statistical Methods

Statistical methods are not used in this information collection.